

### **REMARKS/ARGUMENTS**

By this Amendment, claims 29-42 are presently pending. Claims 1-28 were previously cancelled, without prejudice, per the Preliminary Amendment filed October 6, 2006. Claims 29, 31-33, 35 and 38-40 are amended herein. Claims 29-35 and 41-42 stand rejected, and claims 36-40 are objected to by the Examiner.

Amendments to claims 29, 31-33, 35 and 38-40 have been made to more clearly describe Applicants' invention, and to better conform the claims to U.S. practice. No new matter has been added by this Amendment. Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

### **Rejections Under 35 U.S.C. §102**

Claims 29-35 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,979,674 of Thalenfeld ("Thalenfeld"). The Examiner argues that Thalenfeld discloses an adapter for attaching an electronic shelf label to a blister hook, with a housing (34) into which the shelf label is insertable or is inserted, and with a suspension device for the pivotal mounting of the housing on a cross-strut provided on the free end of a cantilever of the blister hook. The Examiner contends the alleged suspension device of Thalenfeld is a fork yoke (22) having prongs which are connected to the housing and that the yoke has a crossbar connected to two pliable sleeves (37) having a connecting web in between and an opening between that extends as far as the connecting web. The Examiner further contends that the yoke in open position has a free end in open condition that is adapted to be placed around the cross-strut and to be snap-locked onto the yoke, wherein each pliable sleeve has on its free end a hook adapted for a

locking engagement with a mating hook (34) on the yoke.

Applicants submit that independent claim 29 is not anticipated by Thalenfeld since each element set forth in claim 29 is not found, either expressly or inherently, in this single prior art reference. The adapter of Thalenfeld is directed primarily to a device (22) designed to mount on a known merchandise display hook (10) thereby enabling the display hook (10) to be converted for use with a pivoting label holder (37) by removal of an original, fixed label holder and mounting of the adapter device (22) (*see, e.g.*, col. 2, lines 59-63; col. 3, lines 18-21; and Figs. 1-3). The adapter (22) includes a retaining clip (32) having gripping arms (34) which form a narrow entry gap (36) for receiving a label support portion (20) (col. 3, lines 33-38 and Fig. 2). As shown in Figs. 2 and 3 of Thalenfeld, the retaining clip (32) partially surrounds the support portion (20) to stabilize the adapter device (22). When the adapter device (22) is mounted to the label support arm (14), the label holder (34), and in particular retaining clip portions (37), can be mounted onto the cross bar assembly formed from element (24) and the support portion (20) to mount the label holder (34).

In contrast, the present invention is directed to an adapter (28 or 29) having a housing (30) into which a shelf label (26) is inserted, and a suspension device for pivotally mounting the housing (30) on a cross-strut (24) on the free end of a cantilever (22) (*see, e.g.*, claim 29 and Figs. 1a and 1b). The suspension device is a yoke (32) that is connected to the housing (30) and has at least one pliable sleeve (34, 44, 54) with a free end adapted to be placed around the cross-strut (24) and is snap-locked on the yoke (32).

Unlike the presently claimed invention, Thalenfeld does not contain a yoke having at least one pliable sleeve that is adapted to be snap-locked onto the yoke. Instead, what the

Examiner considers to be a yoke in Thalenfeld is actually the adapter device (22) which does not contain a sleeve. Instead, what the Examiner considers to be a sleeve of Thalenfeld is actually a retaining clip portion (37) which is integral to the housing or label holder (34) as shown in Figs. 3 and 5 and disclosed at col. 3, lines 61-64. In contrast, the sleeves (34, 44, 54) of the present invention are integral to the yoke (32) and it is the yoke (32) that is connected to the housing (30) (claim 29, "... a yoke that is connected to the housing and has formed thereon at least one pliable sleeve ..."). Moreover, unlike the sleeves (34, 44, 54) of the present invention, Thalenfeld does not disclose that the retaining clip portions (37) of the label holder (34) can be "snap-locked" onto what the Examiner considers to be the yoke (22).

For the reasons set forth above, Thalenfeld does not disclose all of the elements of the invention as described in independent claim 29. Accordingly, Thalenfeld does not anticipate the invention as recited in claim 29. Additionally, Applicants submit that the dependent claims rejected by the Examiner as anticipated by Thalenfeld (claims 30-35) are also not anticipated by virtue of including the inventive features of claim 29, in addition to the specific further feature(s) recited in each respective dependent claim. Thus, reconsideration and withdrawal of the Examiner's §102(b) rejection is respectfully requested.

### **Rejections Under 35 U.S.C. §103**

Claims 41 and 42 stand rejected under 35 U.S.C. §103(a) as being obvious over Thalenfeld as applied to claim 29, and in view of U.S. Patent No. 7,089,695 to Fast et al. ("Fast"). The Examiner argues that Thalenfeld discloses Applicants' basic inventive concept except that Thalenfeld does not show a housing having on its inner side two short bars extending in parallel of the cantilever and hooks used to lock the housing in place. However, the Examiner

argues that Fast teaches a housing (100) which has on its inner side two short bars (24, 26) extending in parallel of the cantilever (72a) and hooks (28) used to lock the housing in place. The Examiner contends that it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Fast to have added this feature to the invention of Thalenfeld in order to securely fasten the desired item to the device.

Applicants respectfully disagree for the following reasons. As stated previously, with respect to claim 1, Applicants maintain that Thalenfeld fails to show all of the elements of claim 1 and therefore claim 41, which depends from claim 1, is patentable thereover.

Furthermore, a comparison of Fig. 1 of Fast and Figs. 6 and 7 of the present invention shows that the label holder (100) of Fast is significantly different from the housing (30) and shelf label (26) assembly of the present invention. Fig. 1 of Fast shows a finger-engaging element (24) and an upper lip (26), which the Examiner identifies as two short bars on the inner side of a housing, are in fact not in parallel to the longitudinal direction of the upper element 72 which acts as a cantilever. Also, the upper lip (26) and lower lip (28), which the Examiner identifies as a hook, define a pocket for the reception of elements of a sign or sign holder (col. 4, lines 48-52).

In contrast, Figs. 6 and 7 of the present invention show that the housing (30) has two bars (64, 64') and hooks (66), while the shelf label (26) has a longer rib (60) on its upper side and a shorter rib (62) on its lower side. Assembly is performed by pressing the shelf label (26) into the housing (30) such that the longer rib (60) locks into place behind the two bars (64, 64'), while the shorter rib (62) locks into place behind the hooks (66) (specification, page 7, lines 14-19). As such, the housing (30) of the present invention has on its inner side adjacent to the cross-strut (24) of the cantilever (22) two short bars (64, 64') extending in parallel with the longitudinal

direction of the cantilever (22), behind which an upper rib (60) of the shelf label is adapted to lock into place (*see* claim 41). Additionally, unlike Fast, the inner side of the housing (30), which lies opposite said inner side provided with the two short bars (64, 64'), is provided with hooks (66) behind which the lower rib (62) of the shelf label is adapted to lock into place (*see* claim 41).

For at least the above reasons, Fast does not teach a housing which has on its inner side two short bars extending in parallel of a cantilever and hooks used to lock the housing in place as described and claimed in the present invention. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Fast with the invention of Thalenfeld in the manner asserted by the Examiner in order to arrive at the invention as recited in claims 41-42. Thus, reconsideration and withdrawal of the Examiner's §103(a) rejection is respectfully requested.

#### **Allowable Subject Matter**

The Examiner objects to 36-40 as being dependent upon a rejected base claim, but acknowledges that claims 36-40 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner's reason for allowing the subject matter of claims 36-40 is that the prior art does not teach a mushroom-shaped bearing trunnion on the inner side of the prongs.

While agreeing that the prior art does not teach or suggest the claimed adapter comprising a yoke constructed in the manner of a fork having prongs wherein each of the prongs has a mushroom-shaped bearing trunnion on its inner side, Applicants respectfully request that the Examiner's objection to claims 36-40 be withdrawn, considering Applicants' remarks set forth

above with respect to the Examiner's §102(b) rejection of claim 29, from which claims 36-40 indirectly depend.

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For at least the reasons set forth above, it is respectfully submitted that the above identified application, including claims 29-42, is in a condition for allowance. Thus, reconsideration and withdrawal of the Examiner's rejections and objections to the claims, and a Notice of Allowance, are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

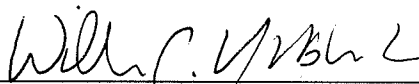
Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,  
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April 10, 2008

Please charge or credit our  
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